

**DURHAM, NORTH CAROLINA
MONDAY, AUGUST 5, 2002
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, Deputy City Clerk Linda Bratcher and Records Management Coordinator Tonette Amos.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

Mayor Bell read a proclamation declaring August 5, 2002 as Charles R. "Chuck" Davis Day.

Council Member Clement thanked everyone for their many expressions of sympathy and kindness during the loss of his wife, Dolores, and the financial contributions to her memorial fund at Lincoln Community Health Center.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. There were no priority items from the City Clerk. City Attorney Blinder requested that Senate Bill 1312 [Fayetteville Unsafe Residential Buildings] be added to the agenda.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to add Senate Bill 1312 to the agenda and the City's Legislative Program was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Mayor Bell requested the administration to add an item on residency requirement for Department Heads working for City government to the August 8, 2002 Work Session agenda.

Assistant City Manager Ted Voorhees noted motion changes to Consent Items #64 [American Tobacco Complex Redevelopment Project] and #33 [Audit Oversight Committee] as outlined in August 5, 2002 memo. Also, he announced a Special City Council Meeting will be held Thursday, August 8, 2002 at 12 noon to discuss business points for the American Tobacco Complex Redevelopment Project.

Mayor Pro Tempore Cheek disclosed that a member of his law firm is working on the contractual documents and other aspects of the American Tobacco project. He noted he has had no discussions on this project and will not benefit financially. Also, he stated that he would refrain from discussions and will be abstaining from any vote in connection with this project.

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MOTION by Council Member Clement seconded by Council Member Edwards to accept the Manager's priority items was approved at 7:15 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Abstention: Mayor Pro Tempore Cheek. Absent: None.

At this time during the meeting, Consent Item #64 [American Tobacco] was discussed.

SUBJECT: AMERICAN TOBACCO COMPLEX REDEVELOPMENT PROJECT – CAPITAL BROADCASTING CORPORATION

Finance Director Nav Gill made a presentation on this item giving an update on the American Tobacco Complex Redevelopment project. He gave an overview of handout dated August 5, 2002 highlighting Project description, Public contribution, City contribution, Impact on City, Financial backup [American Tobacco Project Summary of Assumptions 8/2/02], Current proposal, Operating impact City, City only – non-recurring, Project net yearly impact: City and Impact on downtown fund. Also, he informed Council that the business points for this project will be discussed at the Special City Council Meeting scheduled for Thursday, August 8, 2002.

Council held discussion on economic incentives, tax credit, public/private investment safeguards, jobs, parking spaces and lease space commitment.

Ralph McKinney spoke in opposition to this project.

The following citizens spoke in support of the American Tobacco Complex Redevelopment Project: Toby Barfield, Bill Kalkhof, James Emery, Sherry DeVries, John Compton, Anne Peele, Chuck White, Ted Conner and Curt Eshelman.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to receive an updated presentation from the administration on the American Tobacco Complex Redevelopment; and

To approve the redevelopment of the American Tobacco complex as outlined in the financial guidelines presented to Council on August 5, 2002; and

To authorize the City Manager and City Attorney to negotiate for City Council consideration a development agreement with Capital Broadcasting Corporation, for redevelopment of the American Tobacco complex based on the "business deal points" document that will be brought back to Council at a later date was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Abstention: Mayor Pro Tempore Cheek. Absent: None.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to adopt a Resolution Exempting the American Tobacco Complex Parking Garage Project from G.S. 143-64.31 was approved at 8:26 p.m. by the following vote: Ayes:

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Mayor Bell and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Abstention: Mayor Pro Tempore Cheek. Absent: None.

Council Member Stith raised a concern about the resolution exempting the American Tobacco Complex parking garage project from minority participation.

Mike Hill, of Capital Broadcasting Corporation, noted he will try to have minority participation.

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to withdraw Council's action taken on Resolution Exempting the American Tobacco Complex Parking Garage Project from G.S. 143-64.31 and to reconsider Resolution Exempting the American Tobacco Complex Parking Garage Project from G.S.143-64.31 at the Special City Council Meeting on August 8, 2002 was approved at 8:35 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Abstention: Mayor Pro Tempore Cheek. Absent: None.

MOTION by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to reimburse Capital Broadcasting Corporation, for the design of a proposed parking garage for an amount not to exceed \$125,000 was approved at 8:36 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Abstention: Mayor Pro Tempore Cheek. Absent: None.

Council Member Cole-McFadden thanked Housing Director Charlene Montford and Scott Lyles for their hard work on the Weed and Seed Program. Also, she made comments about presenting a framed resolution memorializing Dolores Williams Clement to Council Member Clement.

SUBJECT: RESOLUTION MEMORIALIZING DOLORES WILLIAMS CLEMENT

MOTION by Council Member Cole-McFadden seconded by Mayor Pro Tempore Clement to add item to agenda and to adopt a Resolution Memorializing Dolores Williams Clement was approved at 8:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8888

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Relative to Consent Item #1 [Approval of City Council Minutes], Mayor Pro Tempore Cheek requested the June 17, 2002 regular City Council minutes be deferred due to issues that need to be cleared up and Consent Items #27 [Transit Trust Fund] and #36 [Contract SR-31 Sewer Rehabilitation by Inversion Lining] were pulled from Consent Agenda.

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES – CITY CLERK’S OFFICE

Mayor Pro Tempore Cheek requested that the approval of the official minutes for June 17, 2002 regular City Council Meeting be deferred due to issues that need to be cleared up.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the following City Council minutes for the following meetings was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

May 20, 2002 - Regular Meeting
June 3, 2002 - Regular Meeting
June 4, 2002 - Special Meeting
June 18, 2002 – Special Meeting
June 30, 2002 - Special Meeting
July 9, 2002 - Special Meeting

SUBJECT: WORKFORCE DEVELOPMENT BOARD

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications and to appoint the following citizens as recommended by the Greater Durham Chamber of Commerce for appointments to the Workforce Development Board. These terms will expire July 1, 2004 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Representing Private Sector:

Reapplying:

MASSENBURG-BEASLEY, Glyndola

Applicants:

BENTON, JR., Bruce Jones

CONAWAY, Larry

WILSON, JR., Charles T.

Representing Public Sector:

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BRYANT, Beverly A.

SUBJECT: HOUSING APPEALS BOARD – MAYOR’S NOMINEE FOR APPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Mayor’s nomination of Lucy Virginia Zastrow for appointment to the Housing Appeals Board as a Regular Member representing At-Large for a term to expire June 30, 2004 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION – RECEIPT OF APPLICATIONS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for citizens to fill two (2) vacancies to represent At-Large and Ward 2. The terms will expire June 30, 2005 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: BIDS - ESTIMATED TWO (2) YEARS REQUIREMENTS FOR WATER METERS - MILLER SUPPLY COMPANY INC. - U. S. FILTER DISTRIBUTION INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the bid from Miller Supply Company Inc., in the amount of \$243,035 for furnishing the City with its Estimated Two (2) Years Requirements for Water Meters (Sections I – IV); and

To accept the bid from U. S. Filter Distribution Inc., in the amount of \$442,252 for furnishing the City with its Estimated Two (2) Years Requirements for Water Meters (Sections V – VIII); and

To authorize the City Manager to enter into a contract with Miller Supply Company Inc., in the estimated amount of \$243,035 for furnishing the City with water meters (Sections I – IV); and

To authorize the City Manager to enter into a contract with U. S. Filter Distribution Inc., in the estimated amount of \$442,252 for furnishing the City with water meters (Sections V – VIII); and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at

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8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: BIDS – ESTIMATED ANNUAL REQUIREMENTS FOR REMANUFACTURED DIESEL BUS ENGINES - JASPER ENGINES AND TRANSMISSIONS EXCHANGE, INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the bid from Jasper Engines and Transmissions Exchange, Inc., in the amount of \$165,076 for providing the City with its Estimated Annual Requirements for Remanufactured Diesel Bus Engines; and

To authorize the City Manager to enter into a contract with Jasper Engines and Transmissions Exchange, Inc., in the amount of \$165,076, for providing the City with its Estimated Annual Requirements for Remanufactured Diesel Bus Engines; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: BIDS - ESTIMATED TWO (2) YEARS REQUIREMENTS FOR GASOLINE (1,000,000 GALLONS) - PETROLEUM TRADERS CORPORATION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the bid from Petroleum Traders Corporation in the amount of \$777,800 for furnishing the City with its Estimated Two Years Requirements for Gasoline; and

To authorize the City Manager to enter into a contract with Petroleum Traders Corporation in the amount of \$777,800 for providing the City with its Estimated Two (2) Years Requirements for Gasoline; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: PARKING - MARYLAND AVENUE

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt the following ordinances was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Repeal Section 1 of Ordinance #1938, adopted June, 5 1961, establishing no parking on the east side of Maryland Avenue in the area beginning at a point 195 feet north of the north curb line of Club Boulevard and extending from that point northwardly for a distance of 260 feet; and
- b) Repeal Ordinance #5508, adopted 11/3/80, establishing no parking on the east side of Maryland Avenue in the area beginning at the north curb line of Club Boulevard, if extended, and extending northwardly for a distance of 195 feet; and
- c) To establish no parking on the east side of Maryland Avenue in the area beginning at the north curb line of W. Club Boulevard, if extended, and extending for a distance of 50 feet.

Ordinance # 12615 - 12616

SUBJECT: HANDICAP PARKING - LANCASTER STREET

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt the following ordinances was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- 1) To repeal Ordinance #12307, adopted June 18, 2001, which established handicap parking on the east side of Lancaster Street in the area beginning at a point 109 feet north of the north curb line of W. Club Blvd., if extended, and extending for a distance of 24 feet northwardly; and
- 2) To establish handicap parking on the east side of Lancaster Street in the area beginning at a point 80 feet north of the north curb line of W. Club Blvd., if extended, and extending for a distance of 24 feet northwardly.

Ordinance # 12617 - 12618

SUBJECT: DOWNTOWN PARKING CHANGES

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt ordinances that will implement parking changes on the following streets was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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a) Duke Street

- 1) Two-Hour Parking Ordinance – **Ordinance # 12619**
- 2) Loading and Unloading Zone Ordinance – **Ordinance #12620**
- 3) Ordinance Prohibiting Parking – **Ordinance #12621**
- 4) Ordinance Repealing Certain Traffic Ordinances – **Ordinance #12622**

b) Main Street

- 1) Two-Hour Parking Ordinance – **Ordinance #12623**
- 2) Loading and Unloading Zone Ordinance – **Ordinance #12624**
- 3) Ordinance Prohibiting Parking – **Ordinance #12625**
- 4) Ordinance Repealing Certain Traffic Ordinances – **Ordinance # 12626**

c) Mangum Street

- 1) Two-Hour Parking Ordinance – **Ordinance #12627**
- 2) Ordinance Prohibiting Parking – **Ordinance # 12628**
- 3) Ordinance Repealing Certain Traffic Ordinances – **Ordinance #12629**

d) Morgan Street

- 1) Thirty-Minute Parking Ordinance – **Ordinance #12630**
- 2) Two-Hour Parking Ordinance – **Ordinance #12631**
- 3) Handicap Parking Ordinance – **Ordinance #12632**
- 4) Ordinance Prohibiting Parking – **Ordinance #12633**
- 5) Ordinance Repealing Certain Traffic Ordinances – **Ordinance #12634**

SUBJECT: 25 MPH SPEED LIMIT – BRITT STREET – DEVEREAUX LANE – ORIENT STREET

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to establish a 25 mile per hour speed limit at the following locations was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) On Britt Street from Kirkwood Drive to Rowemont Drive;
- b) On Devereaux Lane from Long Crescent Drive to Walsenburg Drive; and
- c) Orient Street from W. Trinity Avenue to Dacian Avenue.

Ordinance # 12635

SUBJECT: STOP SIGNS – TRAIL WOOD DRIVE – BITTERSWEET DRIVE – GABLE COURT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to authorize the installation of stop signs at the following locations was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore

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Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Trail Wood Drive at Croasdaile Farm Parkway, west corner;
- b) Bittersweet Drive at Trail Wood Drive, south corner; and
- c) Gable Court at Garcia Avenue, northwest corner.

Ordinance #12636

SUBJECT: STREET ACCEPTANCE - CROASDAILE FARM, PHASE VI AND YORK WOODS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept certain streets in Croasdaile Farm, Phase VI and York Woods, as listed, for maintenance by the City of Durham was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

CROASDAILE FARM – PHASE VI

- 1) Bittersweet Drive – from the existing construction at STA 5+14 north then east to centerline of Trail Wood Drive (2,714’); and
- 2) Trail Wood Drive – from the centerline of Croasdaile Farm Parkway north to the end of construction at STA 83+92 (1,349’).

YORK WOODS

- 1) York Woods Place – from the west ditch line of Cole Mill Road west thru the cul-de-sac (546’).

SUBJECT: SETTING A PUBLIC HEARING TO CONSIDER ORDERING IMPROVEMENTS UNDER ENABLING ACT AUTHORITY - SEWER MAIN ON FARRINGTON ROAD AND LEONARD DRIVE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt resolutions setting public hearings on August 19, 2002, to consider ordering the following improvements was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Sewer Main on Farrington Road - From South Property Line of Tax Map 482-1-20A to Butler Street

Sewer Main on Leonard Drive - From East Property Line of Tax Map 566-4-6 to Turner Street

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SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - MAIDA VALE, L.L.C. - MAIDA VALE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with Maida Vale, L.L.C. to serve Maida Vale was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - NEW LIFE CHRISTIAN CENTER, INC. - NEW LIFE CHRISTIAN CENTER

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with New Life Christian Center, Inc. to serve New Life Christian Center was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - BARRINGER ENTERPRISES, INC. - EAGLES POINTE, PHASE III

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with Barringer Enterprises, Inc. to serve Eagles Pointe, Phase III was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - IMMANUEL BAPTIST CHURCH, INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with Immanuel Baptist Church, Inc. was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - WP EAST ACQUISITIONS, L.L.C. - WATKINS PARK

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with WP

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East Acquisitions, L.L.C. to serve Watkins Park was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER EXTENSION AGREEMENT - OLDE SOUTH HOMES, INC. - WOOD CHAPEL SUBDIVISION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water extension agreement with Olde South Homes, Inc. to serve Wood Chapel Subdivision was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - RIVERMIST PARTNERS, L.L.C. - RIVERMIST SUBDIVISION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with Rivermist Partners, L.L.C. to serve Rivermist Subdivision was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: SEWER EXTENSION AGREEMENT - KELLEY W. KING AND DONALD B. KING - CAMDEN AVENUE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into the sewer extension agreement with Kelley W. King and Donald B. King to serve Camden Avenue was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: SEWER EXTENSION AGREEMENT - ALPHIN OFFICE BUILDING - OLIVER W. ALPHIN, JR.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a sewer extension agreement with Oliver W. Alphin, Jr. to serve Alphin Office Building was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: LICENSE AGREEMENT - ARRINGTON, L.L.C. – IRRIGATION SYSTEM

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a license agreement with Arrington, L.L.C. for an irrigation system in the right-of-way was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: LICENSE AGREEMENT - TRAFALGAR PROPERTIES, L.L.C. – STAMPED CONCRETE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into the license agreement with Trafalgar Properties, L.L.C. for stamped concrete in the right-of-way was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: 2002-03 CITY OF DURHAM BUDGET ORDINANCE – AMENDMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt “An Ordinance Amending The 2002-03 City Of Durham Budget Ordinance, The Same Being Ordinance 12575” that increases appropriations and revenues by \$887,000 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12637

SUBJECT: TECHNICAL CORRECTION TO THE HEBRON ROAD ANNEXATION AREA

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt “An Ordinance Making Technical Corrections to Ordinance 12570 Regarding the Annexation of an Area Adjacent to Hebron Road” was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12638

SUBJECT: TECHNICAL CORRECTION TO THE SOUTH MIAMI BOULEVARD ANNEXATION MAP – IBM - DURHAM COUNTY TAX ASSESSOR’S OFFICE

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt “An Ordinance Amending Ordinance 10306 Concerning a Correction to the Mapping of South Miami Boulevard Annexation Area Consistent with N.C. General Statutes 160A-31”; and

To find that under NCGS 105-381 IBM is entitled to a refund for taxes paid since June 30, 1997 on property that was not legally within the City limits and to authorize the City Manager to make such refunds based upon the Durham County Tax Assessor’s Office was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12639

SUBJECT: CHANGES TO TIP FEE FOR RUBBLE AND YARD WASTE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution to “Change Tip Fee For Rubble Material and Set Prices for Yard Waste Materials” was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8886

SUBJECT: EXTENSION OF WATER SALES AGREEMENT - ORANGE WATER AND SEWER AUTHORITY (OWASA)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute an Agreement Extending the Term of Agreement Providing for the Sale and Purchase of Water (with the Orange Water and Sewer Authority) to further extend the agreement for a two-year period, until August 26, 2004 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: AMENDMENT TO THE DURHAM AFFORDABLE HOUSING COALITION'S SUB-RECIPIENT AGREEMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to amend the contract by adding \$15,000 to the original contract amount, for a total contract amount of \$60,000 from CDBG funds; and

To authorize the City Manager to make minor changes as are consistent with the memorandum which accompanies this agenda item was approved at 8:47 p.m. by the

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following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: AUDIT OVERSIGHT COMMITTEE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint David A. Smith to the Audit Services Oversight Committee was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: INTERLOCAL AGREEMENT FOR THE PROCUREMENT OF BUSES

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute the Interlocal Agreement for the Procurement of Buses and Bus Equipment and Parts with each of the entities listed in Section II, A of the memo dated July 9, 2002, and any other North Carolina local government units, authorities, agencies, or instrumentalities was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: RESOLUTION REGARDING THE IMPACT OF THE I-85 WIDENING PROJECT ON CLUB BOULEVARD HUMANITIES MAGNET SCHOOL

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a Resolution Regarding the Impact of the I-85 Widening Project on Club Boulevard Humanities Magnet School to recommend that NCDOT continue to work with representatives of Durham Public Schools and parents and officials of the Club Boulevard Humanities Magnet School and others as appropriate to identify ways to minimize the adverse impacts of the I-85 widening on the school (to include the provision of noise walls, enhanced landscaping, or other screening techniques and use of alternative paving material) was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8887

SUBJECT: CONTRACT SR-33 SANITARY SEWER PRESSURE TESTING AND GROUTING - VIDEO PIPE SERVICES, INCORPORATED

AUGUST 5, 2002

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract with Video Pipe Services, Incorporated in the amount of \$214,825; and

To establish a contingency fund for the Sanitary Sewer Pressure Testing and Grouting project of \$55,176; and

To authorize the City Manager to negotiate change orders for Contract SR-33 Sanitary Sewer Pressure Testing and Grouting provided that the cost of all change orders does not exceed \$55,176 and the total project cost does not exceed \$270,000 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CONTRACT SR-34 SEWER OUTFALL MOWING - BUSHHOG AMERICA, INCORPORATED

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract with Bushhog America, Incorporated in the amount of \$171,580; and

To establish a contingency fund for the Sewer Outfall Mowing project of \$28,420; and

To authorize the City Manager to negotiate change orders for Contract SR-34 Sewer Outfall Mowing provided that the cost of all change orders does not exceed \$28,420 and the total project cost does not exceed \$200,000 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: PROPOSED ACQUISITION FOR FIRE STATION #8 - D. R. HORTON, INC. – TORREY HOMES

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into an Option to Purchase, with an Option deposit of \$5,000; and

To approve the acquisition of approximately 1.5 acres of land, a portion of Tax Map 68B-01-004A, PIN 0851-04-61-2073; property of D. R. Horton, Inc. – Torrey Homes, for \$195,000; and

To approve a payment to D. R. Horton, Inc. – Torrey Homes not to exceed \$64,257 for the installation of the street and water and sewer lines, with stub outs for a fire hydrant and water and sewer was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

AUGUST 5, 2002

SUBJECT: ACQUISITIONS FOR THE FAYETTEVILLE ROAD WIDENING PROJECT - MC DURHAM CO. AND JAY T. PROPERTIES, LLC

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the Manager to acquire the fee simple right of way and construction easements, and to compensate for damages to the remainder of the properties owned by MC Durham Co. and Jay T. Properties, LLC, for the Fayetteville Road Widening Project in the amount of \$100,000 per property, for a total expenditure of \$200,000 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MICROSOFT ENTERPRISE AGREEMENT - INSIGHT DIRECT WORLDWIDE, INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the bid from Insight Direct Worldwide, Inc. in the amount of \$216,644 per year for a three-year contract total \$649,932 to furnish the City with a Microsoft Enterprise Agreement to cover the licensing of desktop software for one thousand sixty-eight (1068) computers for a three-year period; and

To authorize the City Manager to modify the contract before execution, provided that such modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: JENNIFER COLE

This item was a citizen matter brought forth by Jennifer Cole at the 7-25-02 Work Session.

SUBJECT: ANDREA WILSON

Comments were heard from Andrea Wilson requesting sidewalks on Bexley Avenue, a dog park and a picnic area at the 7-25-02 Work Session.

SUBJECT: JANINE SUTPHEN – DURHAM SYMPHONY

Comments were heard from Janine Sutphen regarding security at the Arts Council for the Durham Symphony on Tuesday evenings at the 7-25-02 Work Session.

AUGUST 5, 2002

SUBJECT: RALPH MCKINNEY

Comments were heard from Ralph M. McKinney regarding H.E.L.P at the 7-25-02 Work Session.

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: TRANSIT TRUST FUND

Council Member Clement made comments on this item.

MOTION by Council Member Clement seconded by Council Member Stith to adopt a “Resolution Concerning the Use of the Transit Trust Fund” was approved at 8:54 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8885

SUBJECT: CONTRACT SR-31 SEWER REHABILITATION BY INVERSION LINING - AZURIX NORTH AMERICAN UNDERGROUND INFRASTRUCTURE, INCORPORATED

Council Member Stith made comments on this item.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Edwards to authorize the City Manager to execute a contract with Azurix North American Underground Infrastructure, Incorporated in the amount of \$705,400; and

To establish a contingency fund for the Sewer Rehabilitation by Inversion Lining project of \$174,600; and

To authorize the City Manager to negotiate change orders for Contract SR-31 Sewer Rehabilitation by Inversion Lining provided that the cost of all change orders does not exceed \$174,600 and the total project cost does not exceed \$880,000 was approved at 8:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[ITEM ADDED TO AGENDA]

SUBJECT: SENATE BILL – 1312 – FAYETTEVILLE UNSAFE RESIDENTIAL BUILDINGS

AUGUST 5, 2002

City Attorney Blinder gave an overview of Senate Bill 1312. Also, he noted it's a local bill introduced on behalf of Fayetteville and Representative Paul Miller asked if the City of Durham would like to be added to this bill.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to add the City of Durham to Senate Bill 1312 [Fayetteville Unsafe Residential Buildings] which declares residential buildings in community development target areas unsafe and have the option of demolishing those buildings pursuant to G.S. 160A-432 was approved at 8:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Mayor Bell reminded Council that National Night Out is scheduled for Tuesday, August 6, 2002 at 6 p.m. and the Special City Council Meeting will be held Wednesday, August 7, 2002 at 6 p.m. to discuss planning matters.

There being no further business to come before the City Council, the meeting was adjourned at 9:00 p.m.

Linda E. Bratcher
Deputy City Clerk